

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

MANNING WASHINGTON

CIVIL ACTION NO. 13-CV-932

VERSUS

JUDGE HAIK

JOE STUCKEY, Sr., et al

MAGISTRATE JUDGE HANNA

ORDER REGARDING DIVERSITY JURISDICTION

The record shall reflect that this court conducted a review of the pleadings, including the Petition for Damages, the First Supplemental and Amending Petition for Damages, the removal notice, and exhibits submitted in support of removal. From that review, it is apparent that at the time of original suit filing, on September 26, 2012, as the result of an auto accident, Plaintiff, a Louisiana citizen sued Joe Stuckey, Sr., “a resident of Terrebonne Parish, Louisiana, whose last known address is 109 Bunker Hill Road, Columbia, MS,”¹ Travelers Indemnity Company of America, a Connecticut company, Jones Ready Mix, LLC, a Mississippi limited liability company with all of its members being Mississippi citizens, and Scottsdale Insurance Company, an Ohio company. [Rec. Docs. 1, 1-2, 1-5, 6]

On October 29, 2012, Plaintiff filed a stipulation of damages in the record, stipulating

¹In an Answer and Request for Jury Trial filed by Joe Stuckey, Sr. on November 30, 2012, Stuckey confirmed his Mississippi citizenship. [Rec.Doc. 1-5, p. 28]

that the amount in controversy concerning his claim for damages, individually and derivatively, does not exceed SEVENTY-FIVE THOUSAND AND NO/100(\$75,000.00) dollars, exclusive of interest and costs, at this time. If Petitioner ever believes his claim does exceed the \$75,000 amount in controversy, petitioner will so amend his petition at that time to reflect an amount in controversy in excess of that sum.

[Rec. Doc. 1-5, p. 14]

The defendant Jones Ready Mix, LLC was not served with the original petition.

Answers were filed by Defendants Stuckey, Travelers, and Scottsdale. Scottsdale Insurance Company was voluntarily dismissed, without prejudice, in March, 2013.

[Rec. Doc. 1-5, p. 45]

By April 17, 2013, Plaintiff filed a First Supplemental and Amending Petition for Damages, asserting, among other things, that

The amount in controversy concerning his claim for damages, individually and derivatively, exceeds Seventy-Five Thousand and No/100(\$75,000.00) dollars, exclusive of interest and costs. After previously stipulating on October 26, 2012 that the amount in controversy was believed to be less than \$75,000, diagnostic testing revealed areas of damage not previously known including but not limited to left shoulder tears and impingement, multiple lumbar disc herniations and left knee tears.


[Rec. Doc. 1-5, p. 57]

On May 7, 2013, within one year of the original suit filing in state court, and within thirty days of the plaintiff's withdrawal of his stipulation, Defendants Joe Stuckey, Sr. and The Travelers Indemnity Company removed the case to federal court, based on diversity jurisdiction. On October 8, 2013, the defendant Jones

Ready Mix, LLC responded to the suit, confirming its Mississippi citizenship. [Rec. Doc. 6]

Based on this record, the undersigned finds that the parties are diverse and the amount in controversy exceeds the jurisdictional minimum.

Signed at Lafayette, Louisiana this 19th day of December, 2013.



Patrick J. Hanna
United States Magistrate Judge.